

**VIRGINIA BOARD OF NURSING
MINUTES
March 17, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:02 A.M. on March 17, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

BOARD MEMBERS PRESENT:

Patricia M. Selig, R.N., F.N.P., Ph.D., President
Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N., Secretary
Lynne M. Cooper, Citizen Member
Peregrin Francisco, R.N., M.S.A.
Brenda L. Hale, R.N.,
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
Jeanne E. Holmes, Citizen Member
John M. Horn, L.P.N.
Judith E. Piersall, R.N., B.S.N.
Karen Schultz, Ph.D. M.B.A.
William Traynham, L.P.N.

BOARD MEMBERS ABSENT:

Patricia C. Lane, R.N., B.S.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Ann Tiller, Compliance Manager
Amy Davis, Administrative Assistant

STAFF ABSENT:

Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Linda Kleiner, R.N., Discipline Case Manager

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

With twelve members of the Board present, a quorum was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Alberta C. Carroll, RMA, 0031-001153; CNA 1401-102782
Ms. Carroll did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue a reprimand to Alberta Carroll, RMA, CNA. The motion was seconded and carried unanimously.

Javon Anderson, CNA 1401-114445

Mr. Anderson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to issue an order of reprimand to Javon Anderson, CNA. The motion was seconded and carried unanimously.

Peter W. Simpson, RN 0001-195220

Mr. Simpson did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to place Peter Simpson on probation for a period of two years of nursing practice with terms and conditions. The motion was seconded and carried unanimously.

Jessica W. Spragley, LPN 0002-077910

Ms. Spragley did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the practical nursing license of Jessica Spragley until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

Misty L. Little, LPN 0002-054548

Ms. Little did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to place Misty Little on probation for a period of one year of nursing practice with terms and conditions. The motion was seconded and carried unanimously.

Deborah J. D'Amico, LPN 0002-020643

Ms. D'Amico did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Deborah D'Amico for a period of not less than two years and until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

Jesus E. Tanega, RN 0001-169635

Mr. Tanega did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Jesus Tanega and require that Mr. Tanega

enter into the Health Practitioners Monitoring Program within 30 days of entry of the order and thereafter remain in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Angela Brockwell, LPN 0002-047747

Ms. Brockwell did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Angela Brockwell, but stay the suspension contingent upon Ms. Brockwell's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Jeanne Ratcliff, CNA 1401-085941

Ms. Ratcliff did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Jeanne Ratcliff until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

Sharon Washington, CNA 1401-121857

Ms. Washington did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the right to renew the nurse aide certificate of Sharon Washington and that a finding of abuse be entered against Ms. Washington in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

Sharonda Fields, CNA 1401-126224

Ms. Fields did not appear.

Ms. Francisco moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Sharonda Fields and that a finding of misappropriation of patient property be entered against Ms. Fields in the Virginia Nurse Aide Registry. The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:05 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:40 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Cierra Harris, CNA 1401-120348

Ms. Harris did not appear.

Ms. Jones-Clarke moved to accept the recommended decision of the agency subordinate to make findings of fact and conclusions of law, but impose no sanction against Cierra Harris, CNA. The motion was seconded and carried. Ms. Piersall, Ms. Holmes, Ms. Hale, Mr. Traynham, Dr. Hahn, Ms. Jones-Clarke, Ms. Lindsay, Mr. Horn and Ms. Francisco were in favor of the motion. Dr. Selig, Ms. Cooper and Dr. Schultz opposed the motion.

Mr. Traynham left the meeting.

Christy Johnson, CNA 1401-077084

Ms. Johnson did not appear.

Ms. Jones-Clarke moved to accept the recommended decision of the agency subordinate to reprimand Christy Johnson, CNA. The motion was seconded and carried.

Ms. Holmes, Ms. Hale, Ms. Piersall, Ms. Jones-Clarke, Dr. Selig, Ms. Lindsay, Mr. Horn and Ms. Francisco were in favor of the motion. Dr. Schultz, Ms. Cooper and Dr. Hahn opposed the motion.

Rebecca Redfearn, LPN 0002-076707

Ms. Redfearn did not appear.

Ms. Cooper moved to modify the recommended decision of the agency subordinate to reprimand Rebecca Redfearn and indefinitely suspend the right to renew the practical nursing license of Ms. Redfearn for a period of not less than two years and until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried.

Ms. Holmes, Ms. Hale, Ms. Lindsay, Mr. Horn, Dr. Schultz, Ms. Cooper, Dr. Hahn and Ms. Francisco were in favor of the motion. Dr. Selig Ms. Piersall, Ms. Jones-Clarke opposed the motion. Mr. Traynham re-joined the meeting during the discussion in the matter of Ms. Redfearn and abstained from voting.

Eleanor C. White, RN 0001-218920

Ms. White did not appear.

Ms. Lindsay moved to accept the recommended decision of the agency subordinate to indefinitely suspend the professional nursing license and right to renew the practical nursing license of Eleanor White for a period of not less than two years and until such time as she is able to appear before the Board and

provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried. Ms. Holmes, Ms. Hale, Ms. Lindsay, Mr. Horn, Dr. Hahn, Dr. Selig Ms. Piersall, Ms. Jones-Clarke and Mr. Traynham were in favor of the motion. Dr. Schultz, Ms. Cooper and Ms. Francisco opposed the motion.

Prisca Muotoh, LPN 0002-072540

Ms. Muotoh did not appear.

Ms. Piersall moved to reject the recommended decision of the agency subordinate and refer the matter of Prisca Muotoh to a formal hearing. The motion was seconded and carried unanimously.

Melissia A. Barbour, LPN 0002-044122

Ms. Barbour did not appear.

Ms. Hale moved to accept the recommended decision of the agency subordinate to reprimand Melissia Barbour and place Ms. Barbour on probation for two years of nursing practice with terms and conditions. The motion was seconded and carried. Ms. Holmes, Ms. Hale, Ms. Lindsay, Mr. Horn, Dr. Hahn, Ms. Piersall Dr. Schultz, Ms. Cooper, Ms. Francisco and Mr. Traynham were in favor of the motion. Dr. Selig and Ms. Jones-Clarke opposed the motion.

Cherish M. Dolcine, CNA 1401-105382

Ms. Dolcine appeared.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:50 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:53 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION:

Dr. Hahn moved to accept the recommended decision of the agency subordinate to reprimand Cherish Dolcine, CNA. Ms. Holmes, Ms. Hale, Ms. Lindsay, Mr. Horn, Dr. Hahn, Dr. Selig Ms. Piersall, Dr. Schultz, Ms. Cooper, Ms. Francisco and Mr. Traynham were in favor of the motion. Ms. Jones-Clarke opposed the motion.

ADJOURNMENT:

The meeting was adjourned at 9:55 A.M.

Evelyn Lindsay, L.P.N.
Secretary

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**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 17, 2010
Panel - A**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 1:15 P.M. on March 17, 2010 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Peregrin Francisco, R.N., M.S.A.
Joyce A. Hahn, Ph.D, APRN, NEA-BC
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Karen K. Schultz, Ph.D., M.B.A.

STAFF PRESENT:

Jay P. Douglas, R.N.,M.S.M,C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Ishneila Moore, Assistant Attorney General
Howard M. Casway, Senior Assistant Attorney General (joined later)

**ESTABLISHMENT OF
A QUORUM:**

With seven members of the Board present, a quorum was established.

FORMAL HEARINGS:

Karen S. Lind, R.N. 0001-074737

Ms. Lind appeared, represented by attorney, Alan Shachter.

Corie Tilman Wolf, Assistant Attorney General and Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Ms. Moore was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Allan McDonald, Senior Investigator, Department of Health Professions; Mindee Cunningham, R.N.; Martha J. Dahl, L.N.H.A.; Vincent Akowauah, C.N.A.; and Cheryl Bates, L.P.N. were present and testified.

RECESS:

The Board recessed at 5:10 P.M.

RECONVENTION: The Board reconvened at 5:20 P.M.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:28 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lind. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Lee and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 6:15 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Wolf and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing place Karen Lind on probation with terms for a period of one year of employment as a professional nurse. The motion was seconded and carried. Ms. Jones-Clarke, Ms. Lindsay, Ms. Francisco, Dr. Hahn, Ms. Lane and Dr. Schultz were in favor of the motion. Mr. Horn opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Mr. Casway joined the meeting. Ms. Moore left the meeting.

FORMAL HEARINGS: **Sunnye Kay Miller, R.N. 0001-193149**
Ms. Miller appeared.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Kimberly Lynch, Senior Investigator, Department of Health Professions; and Connie Shanks were present and testified. Kathleen Werner-Leap, R.N., L.N.P. testified by telephone.

. CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 7:20 P.M., for the purpose of consideration and discussion of medical/mental health records of Sunnye Kay Miller that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Werner-Leap, Ms. Bush, Ms. Lee and Mr. Casway attend the closed

meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 7:55 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

RECESS: The Board recessed at 8:00 P.M.

RECONVENTION: The Board reconvened at 8:08 P.M.

Ms. Francisco left the meeting.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 8:42 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Miller. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 9:10 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing reprimand Sunnye Kay Miller and continue Ms. Miller's professional nursing license on indefinite suspension, but stay the suspension contingent upon Ms. Miller's entry into the Health Practitioners Monitoring Program and thereafter remaining in compliance with the terms of the Health Practitioners Monitoring Program.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 9:13 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director

Draft - Unapproved

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 17, 2010
Panel - B**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:00 A.M. on March 17, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

BOARD MEMBERS PRESENT: Patricia M. Selig, R.N., F.N.P., Ph.D., President
Lynne M. Cooper, Citizen Member
Brenda Hale, R.N.
Jeanne Holmes, Citizen Member
Judith E. Piersall, R.N., B.S.N.
William Traynham, L.P.N.

STAFF PRESENT: Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jane Elliott, R.N., Ph.D., Discipline Staff (joined later)
Donna Lee, Senior Discipline Specialist
Amy Davis, Administrative Assistant (joined later)

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Students from Lynchburg College Nursing Program and Bon Secours School of Nursing

ESTABLISHMENT OF A QUORUM: With six members of the Board present, a quorum was established.

FORMAL HEARINGS: **Paris K. Sire, C.N.A. 1401-120075**
Ms. Sire did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:06 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Sire. Additionally, Ms. Hale

moved that Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:08 A.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski.
The motion was seconded and carried unanimously.

ACTION: Ms. Piersall moved that the Board of Nursing indefinitely suspend the nurse aide certificate of Paris Sire for a period of not less than two years.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 11:10 A.M.

Ms. Douglas left the meeting. Dr. Elliott joined the meeting.

RECONVENTION: The Board reconvened at 1:05 P.M.

FORMAL HEARINGS: **Tila A. Newbery, C.N.A. 1401-113376**
Ms. Newbery appeared, accompanied by her former husband, Mr. Sorrell.

Jim Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:55 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Newbery. Additionally, Ms. Hale moved that Ms. Krohn, Dr. Elliott, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:20 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Piersall moved that the Board of Nursing indefinitely suspend the nurse aide certificate of Tila Newbery, stay the suspension contingent upon verification of entry into the Health Practitioners Monitoring Program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Jason W. Randolph, C.M.T. Reinstatement Applicant 0019-001165

Mr. Randolph appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:10 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Randolph. Additionally, Ms. Hale moved that Ms. Krohn, Dr. Elliott, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:25 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hale moved that the Board of Nursing reinstate the massage therapy certificate of Jason Randolph without restrictions.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Leslie Shuey, L.P.N. Reinstatement Applicant 0002-026575

Ms. Shuey appeared, accompanied by her daughter, Susan Deshazo.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Vicki Fox, Senior Investigator, Department of Health Professions and Tonya James, Compliance Case Manager, Department of Health Professions were present and testified.

RECESS:

The Board recessed at 4:15 P.M. to allow Ms. Shuey to review the exhibits.

RECONVENTION:

The Board reconvened at 4:35 P.M.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:40 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Shuey. Additionally, Ms. Hale moved that Ms. Krohn, Dr. Elliott, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:50 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Holmes moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Cooper moved that the Board of Nursing deny the application for reinstatement of the practical nursing license of Leslie Shuey and continue Ms. Shuey on indefinite suspension until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:55 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director